

## **REMARKS**

Claims 25-32 and 34-38 remain pending in the present application. Claim 33 has been cancelled. Claim 38 has been added. Claims 25 and 34-37 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Lieu for the courtesies extended to him during the personal interview on July 18, 2006. At the interview, the Examiner conceded that by defining that the rotating member is fixed for rotation about a central axis, is not illustrated by the cited art. The Examiner indicated that a further search would be needed.

## **REJECTION UNDER 35 U.S.C. §102(b)**

The Examiner has rejected Claims 25-27 and 30 under 35 U.S.C. §102(b) as being anticipated by German reference DE 9205302U.

Above Claim 25 further defines a leveling mechanism to include a rotating member fixed for rotation about a central axis to seek an equilibrium position which corresponds to a horizontal or vertical plane. As pointed out at the interview, the German utility model illustrates bubble levels and also a mercury switch. The mercury switch includes a droplet of mercury which rolls around and connects the contacts. The mercury is not fixed for rotation about a central axis for seeking an equilibrium position as defined by Applicant. Also, as pointed out at the interview, the German reference only seeks an equilibrium position in a horizontal position. This was further illustrated by the last paragraph of page 4 which continues onto page 5.

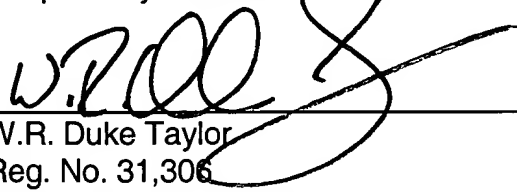
Accordingly, Applicant believes Claim 25 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 26-32 which depend from Claim 25 are patentably distinct over the art cited by the Examiner.

New Claim 38 has been added. Claim 38 corresponds to previously cancelled Claim 33 rewritten in independent form. The Examiner has indicated that previous Claim 33 is patentably distinct over the art cited by the Examiner. Accordingly, Applicant believes Claim 38, as well as its dependant claims 34-37, to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at her earliest possible convenience.

Should the Examiner have any questions regarding the present application, she should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted

  
\_\_\_\_\_  
W.R. Duke Taylor  
Reg. No. 31,306  
Attorney for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600

Date: August 16, 2006  
WRDT/cls

Attorney Docket No. 0275S-000379